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July 17, 2015

**VIA ECF AND HAND DELIVERY**

Honorable Debra Freeman  
United States Magistrate Judge  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**RE: Fisher v. Tice, 15 Civ. 955 (LAK) (DCF)**

Dear Judge Freeman:

We represent Defendant Cynthia Tice in the above action, and we write in response to Plaintiffs' letter filed on July 14, 2015 (Dkt. No. 13) and to provide an update regarding the Court's order to meet and confer.

First, counsel for all parties conferred via telephone on July 16, 2015 at 11:30am. We understand that counsel for Plaintiffs maintain their position as stated in the letter and are considering filing a motion to quash. We would oppose any motion to quash.

We also write to clarify certain issues raised by Plaintiffs' counsel in their letter motion.

First, we complied with Rule 45 when issuing and serving our subpoenas. Notice was given to Plaintiffs' counsel prior to the service of the subpoenas. The subpoenas are narrowly tailored to reduce the burden on the subpoenaed third parties, and they seek the production of documents that are relevant to our defense in this action. We will articulate those grounds should Plaintiffs move to quash the subpoenas.

Second, the letter motion failed to note that counsel for Defendant remained willing to meet and confer promptly at a mutually agreeable time. In two separate emails, annexed hereto as Exhibit A, we asked counsel for Plaintiffs' to provide us with their availability to meet and confer. While Ms. Scileppi did contact me by phone, it was to continue to press her objections and renew her request for us to hold off service. At no point after our email communications did Ms. Scileppi provide us with her availability to meet and confer. Indeed, she instead filed the instant letter motion.

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Respectfully submitted,



Constance M. Boland

cc: Laura Scileppi, Esq. (via ECF and Email)  
William Dunnegan, Esq. (via ECF and Email)